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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	
09/541,376	03.01.0000		ATTORNET DOCKET NO.	CONFIRMATION NO.
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75 Mayumi Maed	90 09/25/2003			16
Lifescan, Inc.,			EXAMINER	
1000 Gibraltar Drive, M/S 3G MILIPITAS, CA 95035-6312			WALLENHORST, MAUREEN	
			ART UNIT	PAPER NUMBER
			1743	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Application No. Og/541.376				
Examin r Examin r Maureen M. Wallenhorst 1743		Application No.	Applicant(s)	
### Examin r Maureen M. Wallenhorst 1743	Advisory Action	09/541,376	SHARTLE, ROBERT	JUSTICE
The MAILING DATE of this communication appears on the cover sh et with the correspondence address — THE REPLY FILED 12 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWAN Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may publy be either. (1) a timely filled amendment which places the ring in a repetition under 37 CFR 1.114 may publy be either. (1) a timely filled amendment which places the placetion for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Contil Examination (RCE) in compliance with 37 CFR 1.114. ■ PERIOD FOR REPLY (check either a) or b) ■ The period for reply expires 0. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Whichever is later. evert, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY OHLOCKEN THIS BOW WHEN THE IRRST REPLY WAS FILED WTHINIT YOM MONTHS OT THE FINAL REPLETION. See MPEI 705.07(7). Extension the may be obtained under 37 CFR 1.136(a) and Expendition of the period for the final rejection. See MPEI 705.07(7). Extension the may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension for 37 CFR 1.19(a) is calculated from: (1) the expendition date of the shortened statutory period for reply driphally set in the final office action, or (2) as set (2) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if turely filed, may reduce any period for reply driphally set in the final office action, or (2) as set (2) above, if checked. Any reply received by the Office later than three months after the mailing date of the final	_	Examin r	Art Unit	
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Therefore, further action by the applicant is required to avoid abandonment of this application. A proper feely to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application it condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Contificamination (RCE) in compliance with 37 CFR 1.114. **PERIOD FOR REPLY** (check either a) or b)** 3 The period for reply expires 3 months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, only CHECK THIS BOX WHEN THE FIRST REPLY WARDON THE Storn the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, only CHECK THIS BOX WHEN THE IRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEI 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for 37 CFR 1.176; a calculated from: (1) the expiration date of the shortened statutory period for reply expired set in the final rejection. The propriate extension for 37 CFR 1.192(a) and the appropriate extension for 37 CFR 1.192(a) and a set of the shortened statutory period for reply expired set in the final rejection, or (2) as set (5) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce the application of the proposed amendment(s) will not be entered because: (a) the proposed amendment(s) will not be entered because: (a) the proposed amendment(s) will not be entered because: (b) they are not deemed to place the application in better form for appeal by materially reducing or simplify issues for appeal, and/or (c) they are not deemed to almost the final	The MAILING DATE of this communication appe	ears on the cover sh et with the c	correspondence addr	ess
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b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEI. Tots 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for the properties of the time time of the service of the corresponding amount of the fee. The appropriate extension for 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce a properties action. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. ☐ The proposed amendment(s) will not be entered because: (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplify issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amen canceling the non-allowable claim(s). 5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place application in condit	PERIOD FOR RE	EPLY [check either a) or b)]		
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MAUREEN M. WALLENHORST PRIMARY EXAMINER Primary Examiner GROUP 100 Art Unit: 1743		MAUREEN M. WALLENHORST PRIMARY EXAMINER	Maureen M. Walle Primary Examiner	nhorst



Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that Naka et al fails to teach of a second stop junction in the device that impedes sample flow such that sample fills the measurement area of the device first b fore flowing to the bypass channel. However, in Figure 5a of Naka et al, it is shown how the second stop junction 6a impedes sample flow to the bypass channel 6 while the measurement area 3 is filled with sample first. In addition, Applicant argues that Naka et al fail to teach of a second stop flow junction since portion 6a of the device taught therein is only a small diameter bypass channel to impede sample flow. In response to this argument, it is noted that Applicant admits on page 6, lines 12-13 of the response filed on Sept. 12, 2003 that the stop junctions in the instant invention function via a discontinuity of channel cross section, which is exactly the manner in which the stop junction 6a taught by Naka et al functions. Therefore, the small diameter bypass channel 6a taught by Naka et al does serve as a stop junction since it impedes sample flow into the overflow channel 6 until the sample has first filled the measurement region 3 of the device.